

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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QUANTUM CORPORATE FUNDING, LTD.,

Plaintiff,

-against-

08 Civ. 0539 (LAK)

WESTWOOD DESIGN/BUILD, INC., et ano,

Defendants.  
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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

Plaintiff in this action moved by order to show cause for a preliminary injunction.

On February 14, 2008, the Court issued an order pointing out that the amended complaint failed adequately to allege subject matter jurisdiction based on diversity of citizenship and stated that the action would be dismissed on that ground absent the filing, on or before February 22, 2008, of a sufficient amended complaint.

The order to show cause was returnable on February 15. Plaintiff's counsel appeared. Defendants defaulted. The Court granted the motion from the bench and directed plaintiff's counsel to submit an order for signature. In addition, it brought to counsel's attention the order issued the previous day.

Plaintiff has neither amended the amended complaint nor submitted the proposed order. In the circumstances, the motion for a preliminary injunction is deemed abandoned and the action is dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Dated: March 3, 2008



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Lewis A. Kaplan  
United States District Judge